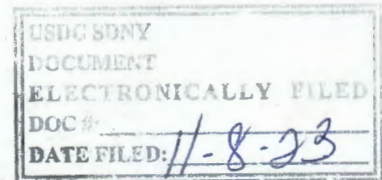


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
UNITED STATES OF AMERICA

-against-

23-cv-5003 (LAK)
[20-cr-0578 (LAK)]

RANDY CRAIG LEVINE,

Defendant.
----- X

ORDER DENYING SECTION 2255 MOTION


LEWIS A. KAPLAN, *District Judge.*

Defendant was convicted on March 21, 2023 on his plea of guilty of conspiracy to commit wire fraud and two counts of commodities fraud and sentenced principally to a term of imprisonment of 70 months to run consecutively to a term of imprisonment previously imposed in the Southern District of Florida in 07-cr-80128. He moves under 28 U.S.C. § 2255 for relief from this Court's judgment. Dkt. 80.¹ I have considered his motion and his subsequent filing of a document entitled Motion to Amend Petition (Dkt. 96) which, as the text of the document states explicitly, in fact is a reply to the government's opposition to the 2255 motion rather than a motion to amend.

The motion is entirely frivolous, substantially for the reasons set forth in the government's opposition. Dkt. 95. Accordingly, the motion is denied. A certificate of appealability is denied, and the Court certifies that any appeal herefrom would not be taken in good faith within the meaning of 28 U.S.C. §1915(a)(3).

SO ORDERED.

Dated: November 8, 2023



Lewis A. Kaplan
United States District Judge